

NADIA FARAH (SBN 154599)
LAW OFFICES OF NADIA FARAH
39159 PASEO PADRE PKWY #211
FREMONT, CA 94538

Counsel for Petitioner
ABDUL RASOOL HAMIDI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
08 JUN -6 PM 2:07
RICHARD H. YOUNG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
E-filing

ABDUL RASOOL HAMIDI

Civil Action No.:

Petitioner

Agency No.: A27 386 147

v.

CV 08 2839

PJH

Michael CHERTOFF, in his Official Capacity,
Secretary, United States Department of Homeland
Security; MICHAEL B. MUKASEY, in his Official
Capacity, Attorney General, U.S. Department
Of Justice; David N. STILL, in his Official
Capacity, District Director, United States
Citizenship and Immigration Services; Emelio
GONZALEZ, in his Official Capacity, Director,
Bureau of Citizenship and Immigration Services
Defendants

**COMPLAINT IN THE
NATURE OF MANDAMUS
AND FOR OTHER
INJUNCTIVE RELIEF**

1
JRH

//

JURISDICTION AND VENUE

1. Plaintiff invokes the jurisdiction of this Court pursuant to 8 USC§1447, 28 USC§1331 and 1361, 5 USC §701 and 28 USC§2201 *et seq.* to redress the deprivation of right, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by USC §704.
2. This action is brought to compel Defendants and those acting under them to take action on a form N-400, Application for Naturalization (hereinafter "the Application") in order for Plaintiff to become a Naturalized Citizen of the

United States. The Application was filed with the United States Citizenship and Immigration Services (hereinafter "USCIS") and received on September 23, 2005. Mr. Hamidi was interviewed by an Immigration Officer April 3, 2006 and successfully passed the English language, history and the government tests (Please See Exhibit "C" form N-652), Naturalization Interview, for proof of successful passage of both tests.) He then was asked to present additional documents within 30 days of the interview, namely May 3, 2006. He was told that all was good and only his FBI background check had not been cleared yet.

3. He provided the documents as requested and awaited notice of oath ceremony.
4. A few months after the interview, he began inquiring about his interview with USCIS, through INFOPASS appointments and each time he was told that the background name check was pending in his case.
5. In February 2007, still not getting any notice of oath ceremony, he contacted Congressman Pete Stark, asking for his assistance in following up on his case.
6. A letter dated March 5, 2007 was sent by Congressman Pete Stark acknowledging his request.
7. A letter dated March 8, 2007 was sent by Congressman Pete Stark stating that he had followed up on the naturalization matter and the FBI background check was still pending. (Please see Exhibit "D")
8. To this day, over two (2) years after his interview, Mr. Hamidi still awaits the decision. Certainly more than 120 days have passed since the interview in this matter, thus vesting jurisdiction with this court under 8 USC §1447.

9. Plaintiff is eligible to have his Naturalization Application adjudicated.
10. Defendants, the Department of Homeland Security and USCIS, are charged by law with the statutory obligation to adjudicate this Application.
11. Venue is proper under 28 USC §1391(e) because Plaintiff resides in this District and no real property is involved in this action.

PARTIES

12. Plaintiff ABDUL RASOOL HAMIDI, is a citizen of Afghanistan and currently resides in Hayward, California. Plaintiff's A# is 27 386 147 and he is eligible to be naturalized, as he became a legal permanent resident on January 21, 1986.
13. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security (hereinafter "DHS"), Defendant Michael B. Mukasey is the Attorney General of the United States. Defendant Emelio T. Gonzalez is the Director of the USCIS. Defendant David N. Still is the District Director of the district office of San Francisco USCIS. All defendants are sued herein in their official capacities.

FACTS

14. Mr. Hamidi is a native and citizen of Afghanistan. Mr. Hamidi received his permanent Residence status on January 21, 1986. (Please See Exhibit "A", copy of Mr. Hamidi's Permanent Residence Card, both sides)
15. Mr. Hamidi became statutorily eligible to file a form N-400, Application for Naturalization, on October 21, 1990, four years and nine months after the grant of his permanent residence status.
16. On or about September 23, 2005, Mr. Hamidi filed his application for Naturalization with USCIS. (Please See Exhibit "B"- Notice of Action/Receipt)
17. On April 3, 2006, Mr. Hamidi was interviewed at the San Francisco District office by and Immigration officer and successfully passed the English language, history and government test.(Please See Exhibit "C", Naturalization Interview, for proof of successful passages on both tests).
18. At the time he was told that once he submits the additional documents requested, the only thing left was the completion of the background checks. To this day, over two (2) years later, Mr. Hamidi still awaits the decision.
19. San Francisco is currently processing forms N-400 filed on July 6, 2007 Mr. Hamidi's application was filed three years ago. Clearly, its processing is significantly overdue (Please See Exhibit "E" - San Francisco District Office processing time report)
20. Several times, Mr. Hamidi inquired about his oath ceremony and each time was told that the matter is pending background check. He even contacted

Congressman Pete Stark to assist him in the inquiry and was told again that his case was pending FBI name check. (Please see Exhibit "D")

21. Mr. Hamidi has been residing in the United States for 22 years. Recently he became married but he is unable to bring his wife to the United States immediately because his legal residency status places his wife in a 2nd preference category with processing date of May 2003. (Please see Declaration of Abdul Rasool Hamidi in Support of Writ of Mandamus)
22. Mr. Hamidi was not able to vote in the 2006 elections due to the fact that he is not naturalized as a citizen of the United States and he believes that the background check will take much longer, preventing him from participation in the 2008 Presidential election. Had his application been adjudicated properly within the statutory time, he would not have been deprived of such privilege.
23. Mr. Hamidi has been on 1994 conviction of misdemeanor battery and since then has not been convicted of any crime in or outside the United States.

CLAIMS

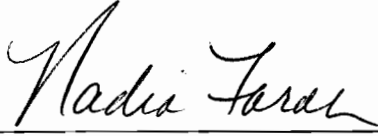
24. Defendants have willfully and unreasonably delayed in and have refused to adjudicate the Application, thereby depriving Plaintiff of the rights, privileges and immunities due him.

WHEREFORE, Plaintiff prays that the Court:

1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 U.S.C. §1447(b); or

2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petition; and
3. Grant such other further relief as this Court deems proper under the circumstances; and
4. Grant Attorney's fees and costs of Court to Plaintiff under Equal Access to Justice Act.

Respectfully submitted this 3rd day of June 2008.

By: 
NADIA FARAH, Attorney for Plaintiff

PROOF OF SERVICE

On this day, June 5, 2008, I served copies of the foregoing: Complaint for Writ of

Mandamus on the following in the manner indicated:

United States Attorney
United States Attorney's Office
Civil Division, Immigration Unit
450 Golden Gate Avenue, 11th floor
San Francisco, CA 94102
Via Certified Mail

David N. Still
District Director
U.S. Citizenship and Immigration Services
San Francisco District Office
630 Sansome Street
San Francisco, Ca 94111
Via Certified Mail

Emelio T. Gonzalez
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529
Via Certified Mail

Michael Chertoff
Secretary of Department of Homeland Security
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529
Via Certified Mail

Michael B. Mukasey, Attorney General
Attorney General, U.S. Department of Justice
Department of Justice, Room B-103
950 Pennsylvania Avenue
Washington, D.C. 20530-0001
Via Certified Mail

I declare under the penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct.

June 5, 2008
Fremont, California


Nadia Farah

EXHIBIT “A”



ALIEN REGISTRATION RECEIPT CARD
PERSON IDENTIFIED BY THIS CARD IS ENTITLED TO RESIDE PERMANENTLY AND WORK IN THE U.S.

27386147	11	31	455	632	79839
A NUMBER	ISS/T	CK	M 1	M 2	PARITY 1
7143	12507	99703	41954	63347	
PSD	IDW 1	IDW 2	IDW 3	PARITY 2	
012186	236	149	08530	9344998	
ADM/ADJ DATE	COB	ISS CODE	SEQUENCE	PARITY 3	

BUREAU OF ENROLLING AND PRINTING

FORM 1-581 JAN 71

EXHIBIT “B”

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



Receipt with Exception			NOTICE DATE October 17, 2005
CASE TYPE N400 Application For Naturalization			INS A# A 027 386 147
APPLICATION NUMBER WSC*001389449	RECEIVED DATE September 23, 2005	PRIORITY DATE September 23, 2005	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS ABDUL RASOOL HAMIDI 330 N CIVIC DR 406 WALNUT CREEK CA 94596		PAYMENT INFORMATION: Single Application Fee: \$390.00 Total Amount Received: \$390.00 Total Balance Due: \$0.00	

11111111111111111111

The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Our records indicate your personal information is as follows:

Date of Birth: July 03, 1954
Address Where You Live: 330 N CIVIC DR 406
WALNUT CREEK CA 94596

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 460 days of this notice.

IMPORTANT NOTICE: All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P.O BOX 10400
LAGUNA NIGUEL CA 92607-

INS Customer Service Number:
(800) 375-5283

APPLICANT COPY

WSC\$001491281

EXHIBIT “C”

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#:

On APR -3 2006, you were interviewed by USCIS officer RUE



- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak/_____ read/_____ write _____ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☒ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) _____ **Congratulations! Your application has been recommended for approval.** At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) _____ **A decision cannot yet be made about your application.**

It is very important that you:

- ☒ Notify USCIS if you change your address
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

EXHIBIT “D”

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

March 8, 2007

Abdul Rasool Hamidi
34539 Heathrow Terrace
Fremont, CA 94555

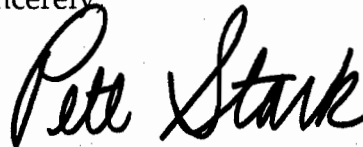
Dear Mr. Hamidi:

Ref: WASC*001389449

In reply to my inquiry on your behalf, the Citizenship and Immigration Services has informed me that your case is pending resolution of the background check. A final decision cannot be made on any application until all national security checks are complete. Various authorities in Washington DC are involved and there is no estimated processing time for completion of this action.

I understand that this may be discouraging, but processing cannot resume until all security clearances have been resolved. If you have not received correspondence from CIS by August, please contact my district office and I will make a follow-up inquiry.

Sincerely,



Pete Stark
Member of Congress

FHS/iai

775 361 7076

FORTNEY PETE STARK
13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS

JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

March 5, 2007

Abdul Rasool Hamidi
34539 Heathrow Terrace
Fremont, CA 94555

Dear Mr. Hamidi:

Ref: WASC*001389449

Thank you for contacting me for assistance.

I have given the information you provided to the appropriate authority. They are aware of my interest in the case, and I'll let you know as soon as I receive a reply. If I have not received a response after thirty (30) days, I will make a follow-up inquiry on your behalf.

Sincerely,



Pete Stark
Member of Congress

FHS/cam

EXHIBIT “E”



[Home](#) [Contact Us](#) [Site Map](#) [FAQ](#)

Search 
Advanced Search

[Services & Benefits](#) [Immigration Forms](#) [Laws & Regulations](#) [About USCIS](#) [Education & Resources](#) [Press Room](#)

[Print This Page](#) [Back](#)

U.S. Citizenship and Immigration Services San Francisco CA Processing Dates Posted May 15, 2008

The processing times shown below are a tool for our customers to gauge our current processing times. When applications and petitions are completed within our target timeframes, that goal will be shown in the data display.

The processing times shown below are for applications that have just been completed. If you have just filed your application, these timeframes may not reflect how long your application will take to be completed. We encourage you to check this page periodically before inquiring about your case. The processing times are updated monthly.

USCIS has received a significant increase in the number of applications filed. In July and August, nearly 2.5 million applications and petitions of all types were received. This compares to 1.2 million applications and petitions received in the same time period last year. This fiscal year, we received 1.4 million applications for naturalization; nearly double the volume we received the year before. The agency is working to improve processes and focus increased resources, including hiring approximately 1,500 new employees, to address this workload.

As a result, average processing times for certain application types may be longer. In particular, naturalization applications filed after June 1, 2007 may take approximately 13-15 months to process.

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our customer guide –

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

District Office Processing Dates for **San Francisco CA** Posted May 15, 2008

Form	Form Name	Processing Timeframe:
I-131	Application for Travel Documents	February 15, 2008
I-485	Application to Register Permanent Residence or Adjust Status	October 02, 2007
I-600	Petition to Classify Orphan as an Immediate Relative	September 03, 2007
I-600A	Application for Advance Processing of Orphan Petition	September 03, 2007
I-765	Application for Employment Authorization	October 15, 2006
N-400	Application for Naturalization	July 06, 2007
N-600	Application for Certification of Citizenship	November 17, 2007

[Print This Page](#) [Back](#)

06-04-2008 05:40 PM EDT

JS 44 (Rev. 12/07) (cand rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

ABDUL RASOOL HAMIDI

DEFENDANTS

MICHAEL CHERTOFF, in his Official Capacity, et al.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Nadia Farah, Esq. (CSBN 154599)
Law Offices of Nadia Farah
39159 Paseo Padre Pkwy #211, Fremont, California 94538
(510) 494-8156

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

E-filing

PJH

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | |
|--|--|--|--|
| PTF | DEF | PTF | DEF |
| <input type="checkbox"/> 1 Citizen of This State | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 Citizen of Another State | <input type="checkbox"/> 4 Incorporated and Principal Place of Business In Another State |
| <input type="checkbox"/> 2 Citizen of Another State | <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 5 Foreign Nation |
| <input checked="" type="checkbox"/> 3 Citizen of Another State | <input type="checkbox"/> 3 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 6 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 Foreign Nation |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

8 USC Section 1447, 28 USC Sec. 1331 & 1361

Brief description of cause:

Complaint in the nature of mandamus

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE
6-5-2008

SIGNATURE OF ATTORNEY OF RECORD

Court Name: U.S. District Court, NDCA
Division: 3
Receipt Number: 34611019964
Cashier ID: almaceh
Transaction Date: 06/06/2008
Payer Name: law offices of nadia farah

CIVIL FILING FEE

For: A R HAMIDI
Case/Party: D-CAN-3-08-CV-002839-001
Amount: \$350.00

CHECK

Check/Money Order Num: 5345
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

PJH

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.